



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/628,765

07/28/2003

Jurgis Astrauskas

1007-0566

5786

7590

07/25/2006

Maginot, Moore & Beck LLP
Chase Tower, Suite 3250
111 Monument Circle
Indianapolis, IN 46204-5109

EXAMINER

TRAN, DZUNG D

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,765

Applicant(s)

ASTRAUSKAS, JURGIS

Examiner

Dzung D. Tran

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Meyer et al. U.S. Patent no. 5,933,812.

Regarding claims 1, 13 and 18, Meyer discloses in Figure 17A, a method/apparatus for bi-directional optical communication with a device external to the probe, the probe comprising:

a housing (e.g., docking station housing; col. 29, line 2);

an optical transmitter D2 mounted within the housing that generates light pulses in accordance with an electrical data signal (e.g., from phototransistor Q1), the optical transmitter being operated not to generate a light pulse in the absence of the electrical data signal (col. 17, lines 31-39); and

an optical receiver Q1 mounted within the housing that generates an electrical data signal from an optical signal impinging upon the optical receiver, the optical

Art Unit: 2613

receiver receiving a continuous light signal from an external device in the absence of a data signal at the external device (col. 17, lines 24-30).

Regarding claim 2, Meyer discloses the optical transmitter mounted within the housing is a light emitting diode (LED) (col. 17, lines 22-23) and the optical receiver is a phototransistor (col. 17, lines 21-22).

Regarding claims 3 and 4, Meyer discloses the LED is a standard LED wherein the LED generates an intense light pulse (col. 17, lines 22-23).

Regarding claim 5, Meyer discloses the phototransistor is a sensitive Phototransistor (col. 17, lines 21-22).

Regarding claim 6, Meyer discloses in Figures 1 and 17A, a coupler for securing the housing to an external device so the optical transmitter and the optical receiver are in close proximity to the external device to enable optical communication with at least one low intensity indicator light D1 LED, (col. 17, lines 59-60) of the external device.

Regarding claims 7 and 15, Meyer discloses in Figure 17A, a method/apparatus for bi-directional optical communication with a device external to the probe, the probe comprising:

- a housing (e.g., docking station housing; col. 29, line 2);

- an optical transmitter D2 mounted within the housing that generates a light signal having a logical polarity that is the opposite of the logical polarity of the light signal generated by an indicator light associated with an external device with which the communication probe is communicating (col. 17, lines 20-39); and

an optical receiver Q1 mounted within the housing for receiving the light signal generated by the indicator light and generating an electrical data signal from the received light signal (col. 17, lines 24-30).

Regarding claim 8, Meyer discloses the optical transmitter mounted within the housing is a light emitting diode (LED) (col. 17, lines 22-23) and the optical receiver is a Phototransistor (col. 17, lines 21-22).

Regarding claims 9 and 10, Meyer discloses the LED is a standard LED wherein the LED generates an intense light pulse (col. 17, lines 22-23).

Regarding claim 11, Meyer discloses the phototransistor is a sensitive Phototransistor (col. 17, lines 21-22).

Regarding claims 12 and 19, Meyer discloses in Figures 1 and 17A, a coupler for securing the housing to an external device so the optical transmitter and the optical receiver are in close proximity to the external device to enable optical communication with at least one low intensity indicator light D1 LED, (col. 17, lines 59-60) of the external device.

Regarding claim 14, Meyer discloses in Figures 1 for securing an optical transmitter in close proximity to an external device (e.g., computer 60) to enable optical communication through the generated light pulses.

Regarding claims 16, 17 and 20, Meyer discloses wherein the generated light of the light signal represents a logical `1` or (0) and the light of the received light signal represents a logical `0` or (1) (col. 17, lines 20-39).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Momot et al. U.S. Patent no. 4,806,958. Cassette/machine optically coupled interface
 - b. Baker et al. U.S. Patent no. 7,019,492. Hand-held manually operated battery charger with emergency light
 - c. Pavelchek U.S. Publication no. 2005/0276608. Establishment and maintenance of optical link between optical transceiver nodes in free space optical communication networks
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dzung Tran
07/18/2006